

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

Case No. 1:06-cr-107-JMS-TAB-01

v.

ISAIAS R. BARRIOS-LOPEZ

ORDER ON MOTION FOR
SENTENCE REDUCTION UNDER
18 U.S.C. § 3582(c)(1)(A)
(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission, IT IS ORDERED that the motion is:

☐ DENIED.

☒ DENIED WITHOUT PREJUDICE.

☒ FACTORS CONSIDERED: See attached opinion.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:06-cr-00107-JMS-TAB
)	
ISAIAS R. BARRIOS-LOPEZ,)	-01
)	
Defendant.)	

Order Denying Motion for Compassionate Release Without Prejudice

Defendant filed a pro se motion that the Court construed as a Motion for Compassionate Release under the First Step Act of 2018. Dkt. 41. The Court appointed counsel to represent Defendant and stayed the case. Dkt. 44. CJA counsel appeared on Defendant's behalf, dkt. 48, but then withdrew, dkts. 55, 56.

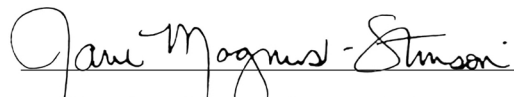
After counsel withdrew, the Court concluded that Defendant's pro se Motion for Compassionate Release lacked sufficient information for the Court to conclude that he was entitled to compassionate release. Accordingly, on December 30, 2020, the Court ordered Defendant to supplement his motion by completing and returning the Court's form compassionate release motion by February 16, 2021. Dkt. 57. The Court warned Defendant that his Motion for Compassionate Release would be considered abandoned and denied without prejudice if he did not return the form motion as directed. *Id.* The Court mailed its Order and a blank form motion to Defendant on December 30, 2020. On February 1, 2021, Defendant filed a pro se motion to appoint new counsel. Dkt. 59. The Court denied the motion and reiterated that Defendant must complete and return the Court's form compassionate release motion by March 3, 2021, or that his Motion for Compassionate Release would be considered abandoned and denied without prejudice. Dkt. 59. The Court mailed its Order and another copy of the blank form motion to Defendant on February

3, 2021. On March 2, 2021, the Court received another pro se letter from Defendant. Dkt. 62. On March 8, 2021, the Court again explained that he had not yet provided sufficient information to support his request for compassionate release. Dkt. 62. The Court informed Defendant that he must complete and return the Court's form compassionate release motion by April 19, 2021, or that his Motion for Compassionate Release would be considered abandoned and denied without prejudice. *Id.* The Court mailed its Order and another blank copy of the form compassionate release motion to Defendant on March 8, 2021.

As of the writing of this Order, Defendant has not completed and returned the Court's form motion as required, and the deadline for doing so has passed. Accordingly, the Court considers Defendant's Motion for Compassionate Release abandoned, and the motion, dkt. [41], is **denied without prejudice**. Nothing in this Order, however, prohibits Defendant from filing a new motion for compassionate release.

IT IS SO ORDERED.

Date: 5/7/2021



Hon. Jane Maghus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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